

Helping Patrons with Legal Questions: Part 1- Legal Research Basics

CoALL / CSL

Deborah Hamilton, Strategic Services Librarian – Law Collection

Pikes Peak Library District

dhamilton@ppld.org



Overview

- Basics of Legal Research
- Legal Reference Interview
- Finding forms and clinics



Basics of Legal Research

Legal Research

- What's the purpose of it?
- Civics Review
- Authority
- Currency
- Citation formats

Purpose

Depends on user type:

- Lay – general interest in the law; student
- Expert – attorney, paralegal
- Pro se – taking care of a legal matter on their own behalf, i.e. writing a will
- Self-represented litigant – representing oneself in court

Goal for Pro Se

- To locate binding, primary authority that applies to the particular legal situation she is dealing with.

Goal for librarian

- To explain the research process and recommend resources so the patron is able to locate the binding, primary authority.....

Civics Review

Jurisdiction:

- Local – e.g. barking dogs, fence lines, minor crimes like traffic infractions, shoplifting
- State – e.g. divorce, landlord tenant, wills/estates (probate), contracts, torts
- Federal – e.g. bankruptcy, copyright, discrimination, ADA

Civics Review

Laws from all three branches

- Legislative – Statutes and Codes
- Executive – Rules and Regulations
- Judicial – Case Law and Court Rules

Authority

- Primary v. Secondary
- Binding v. Persuasive

Currency

- What version of the law does the patron need?
- Know your legislative session and how to find updates
- Case law and citator services
- Registers
- Pocket parts

Citation Formats

Federal Statutes:

[Title] [Code] [Section] ([year])

18 U.S.C §844 (2006)

CO State Statutes:

[Code] [Title] [Section] [Article]

CRS 42-4-803

Citation Formats

[plaintiff] v. [defendant], [vol.] [reporter] [page number], ([court]
[year])

Franklin v. United States, 992 F.2d 1492 (10th Cir.1993)

Taylor v. Super Discount Market, Inc., 441 S.E.2d 433 (Ga. Ct. App. 1994)

74 P.3d 523

Citation Formats

[Title] [Abbreviation of Regulation][Section][(Date of edition)]

7 C.F.R. §319.76 (1999).

Legal Reference Interview

Reference Interview

- Purpose of it
- Pathway
- Unauthorized practice of law and other considerations
- Legal Information v. Legal Advice
- Things to keep in mind

Purpose

- To help the patron navigate resources and to understand the research process that will lead them to binding primary authority.
- To avoid giving legal advice and to not interpret legal sources for the patron.

Pathway

- Determine what patron is asking for –Subject Matter
- Determine jurisdiction
- Determine a list of key words for searching
- Assist patron in navigating resources to locate relevant authority

UPL and Other Considerations

- What is the unauthorized practice of law?
- Liability considerations
- Ethical and professional considerations

Legal Reference Service Policy

The Legal Reference Service of Pikes Peak Library District provides access to legal materials, training, education, and services in a welcoming and positive environment. The Law Collection is a non-circulating collection located in the Penrose Library and is available during regular library hours. This collection offers access to current legal and law-related information for federal, state and local legal materials, in both print and electronic form, and serves patrons doing personal research, paralegal students and legal professionals.

Pikes Peak Library District strives to provide and maintain collections that serve the diverse needs of the community.

I. DISTRICT PROCEDURES

- A. Library staff may assist patrons to locate legal materials and may show patrons how to use the legal books and databases. However, according to Colorado State Statutes, only attorneys licensed to practice by the Colorado Supreme Court may interpret the law (statutes, regulations, or cases) or offer opinions as to how someone's specific legal problem should be handled. Library staff may not interpret the law or offer opinions about a patron's legal problem. To do so would constitute the unauthorized practice of law and could subject the staff member and Pikes Peak Library District to prosecution.

II. GUIDELINES

A. Library staff may offer the following services:

- Demonstrate how to effectively use the legal books and databases by explaining how to use the indices and tables of contents.
- Help to find the broad definition of legal words and phrases.
- Perform an online search when the patron has a specific citation.
- Suggest search terms when using indices, tables of content or other finding tools.
- Teach legal research techniques such as the use of digests, codes, statutes and KeyCite.
- Locate biographical information about attorneys and judges.
- Refer patrons to Nolo Press, Bradford or similar publications or databases to show the patron sample forms in the resources that deal with the patron's legal questions. The patron will decide whether or not to use the forms.

B. Library staff may not:

- Select, draft or complete legal documents or agreements such as wills, contracts, court pleadings, etc.
- Recommend a specific legal form or explain how to fill in the form.
- Give advice or counsel to patrons as to their legal rights or responsibilities.
- Interpret a legal document from a court or an attorney.
- Make specific recommendations as to which statutes, regulations or cases will answer the patron's legal questions.
- Recommend a specific attorney.

Legal Reference Policy

Approved by PPLD Board of Trustees on November 14, 2017.

Legal Information v. Legal Advice

Information	Advice
Direct patrons to where they can find forms and instructions for forms	Recommend a specific legal form; fill out a form; draft legal documents for a patron
Suggest resources; locate an item or law using a citation	Tell the patron this is the law he is looking for without him providing a citation
Legal definitions; Procedural definitions	Legal interpretations; Procedural advice
Cites of statutes, court rules, and ordinances	Research of statutes, court rules, and ordinances
Options	Opinions
General referrals	Subjective or biased referrals

Keep in Mind....

- Legal problems are complex. They may not be resolved with just one visit.
- Move the patron one step forward.
- Legal terminology is confusing, patrons may not always use the correct terms.
- Don't take things personally.
- Listening can be an important service.
- Think in terms of sources, not answers.
- Refer, refer, refer.....

Finding Forms and Clinics

Forms

- Court Websites
 - Look for “Forms” or “Self-Help”
 - Does your state use unified court forms?
 - Self-Represented Litigant Coordinators / Family Court Facilitators
- Subscription Databases
 - Gale Legal Forms
 - NuWave
- Other places to look
 - Court Rules
 - CLE materials, Colorado Practice Series

Clinics

- Court Support Offices
 - In Colorado: Self-Represented Litigant Coordinator and Family Court Facilitators
- Virtual Pro Se Clinic Program in Colorado
- Legal Services agencies
- Bar Associations and related non-profits
- Other service providers
 - Catholic Charities
 - Senior Services
 - Veterans Services
 - Services for Domestic Violence Victims

Finding a Law Library

In Colorado:

Pikes Peak Library District in Colorado Springs

Colorado Supreme Court Library in Denver

10th Circuit Court of Appeals Library in Denver

CU Boulder Law School – William A. Wise Library in Boulder

Finding a Law Library

- County/District Courts
- State Supreme Courts
- Federal Courts
- Law Schools (Public Universities)
- Bar Associations

Conclusion

Legal Research –

- What's the purpose of it?
- Civics Review
- Authority
- Currency
- Citation formats

Conclusion

Reference Interview –

- Purpose of it
- Pathway
- Unauthorized practice of law and other considerations
- Legal Information v. Legal Advice
- Things to keep in mind

Conclusion

Resources for referrals –

- Where to look for forms and self help materials
- Where to look for clinics
- Finding local law libraries

Questions?

Deb Hamilton

dhamilton@ppld.org

719-531-6333 ext. 6058